



Express Mail No.: EM 325 964 715 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: PETERSON *et al.*

Application No.: 08/738,944

Group Art Unit: 1816

Filed: October 24, 1996

Examiner: Brusca, J.

For: METHODS FOR GENERATING
AND SCREENING NOVEL
METABOLIC PATHWAYS

Attorney Docket No.: 8757-007

TERMINAL DISCLAIMER

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Your Petitioner, Bernard D. King, represents that he holds the position of President of ChromaXome Corporation, the assignee of the entire right, title and interest in and to the above identified application by virtue of an assignment which was recorded on February 12, 1997 at reel 8363 frame 0764.

Petitioner hereby disclaims the terminal part of any patent granted on the above identified application which would extend beyond the expiration date of U.S. patent application which was filed on April 24, 1996 and hereby agrees that any patent so granted on the above identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. patent application No. 08/639,255.

Petitioner further agrees that this agreement is to run with any patent granted on the above identified application and is to be binding upon the grantee, its successors, and assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. patent application No. 08/639,255 in the event that said patent application later fails to be

issued, or that the patent issued therefrom expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its full statutory term, except for the separation of legal title stated above.

Petitioner hereby confirms that he has reviewed the assignment and, to the best of his knowledge and belief, title is in the assignee seeking to take action in this matter and that he is empowered to act on behalf of ChromaXome Corporation.

Petitioner hereby declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed this 8 day of Aug, 1997.

ChromaXome Corporation

By:

Name: Bernard D. King
Position: President